

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

STATE OF MISSOURI,
STATE OF ARKANSAS,
STATE OF FLORIDA,
STATE OF GEORGIA,
STATE OF NORTH DAKOTA,
STATE OF OHIO, and
STATE OF OKLAHOMA

Plaintiffs,

v.

JOSEPH R. BIDEN, Jr., in his official
capacity as President of the United States,

MIGUEL A. CARDONA, in his official
capacity as Secretary, United States
Department of Education, and

UNITED STATES DEPARTMENT OF
EDUCATION,

Defendants.

Civil Action No. 24-cv-520

**PLAINTIFF STATES' MOTION FOR LEAVE TO EXCEED THE PAGE LIMIT FOR
THE MEMORADNDUM IN OPPOSITION TO THE MOTION TO DISMISS AND IN
REPLY OF THEIR MOTIONS FOR A STAY OR, IN THE ALTERNATIVE, A
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Under Local Rule 4.01(D), a party may file “any motion, memorandum, or brief which exceeds fifteen (15) numbered pages” with leave of the Court. Plaintiff States respectfully request leave for their memorandum in opposition to the motion to dismiss and in support of their motions for temporary restraining order and preliminary injunction.

Per this Court’s scheduling order (ECF 17), this memorandum is a combined response and reply. Ordinarily, Plaintiff States would be afforded 30 pages total under the local rules if filing these separately.

Leave to exceed the page limit is necessary here given what this Court already declared to be the “complexity and importance of the issues presented.” ECF 17 at 3. Plaintiffs are responding to a 59-page brief combined response and motion to dismiss (that appears typed in a font smaller than 12-point Times New Roman). That brief includes seven attachments and spends extensive space challenging the factual underpinnings supporting all four of Plaintiffs’ theories of standing. The brief also raises many new arguments, such as venue, scope of relief, and whether the President is an appropriate defendant.

Plaintiffs’ combined response/reply thus must address a host of factual, statutory, constitutional, and procedural issues, many of them new—and all in the context of a federal program with a price tag of \$500 billion or more. In short, as this Court has already recognized, the issues raised in the Plaintiff States’ memorandum are complex and significant, and so require more than 30 pages to explain. *Cf. Monsanto Co. v. E.I. DuPont de Nemours & Co.*, 2012 WL 5397601, at *9 (E.D. Mo. Nov. 2, 2012) (“Recognizing the complexity of the action and the significance of the issues involved, this Court granted [the] request for a substantial expansion of the briefing page limitations.”). For these reasons, Plaintiff States respectfully ask the Court to grant leave to file a memorandum not to exceed 55 pages, excluding tables, signatures, and certificates of service and compliance.

On May 16, 2024, Plaintiffs conferred with counsel for Defendants on this motion. They take no position.

Date: May 16, 2024

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CERTIFICATE OF SERVICE & COMPLIANCE

I certify that on May 16, 2024, a true and accurate copy of the foregoing document was electronically filed through the Court's CM/ECF System and that a copy of the foregoing will be sent via email to all parties by operation of the Court's electronic filing system, consistent with Federal Rule of Civil Procedure 5(b).

I further certify that the foregoing document contains 340 words, exclusive of matters designated for omission, as counted by Microsoft Word.

/s/ Joshua M. Divine

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